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TO:	Examiner Flemming Saether	FROM:	Raymond E. Scott
COMPANY:	U.S. Patent & Trademark Office	DATE:	1/4/2006
FAX NUMBER:	571.273.7071	TOTAL NO. OF PAGES INCLUDING COVER:	2
PHONE NUMBER:		SENDER'S TELEPHONE NUMBER:	(248) 723-0306
CLIENT NUMBER:	60,152-1017	SENDER'S FAX NUMBER:	(248) 645-1568
RE:	Terminal Disclaimer Serial No. 10/758,906		

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Pursuant to your request, attached is a Terminal Disclaimer to be filed in the above-referenced application. Please be advised that you are authorized to charge our Deposit Account No. 08-2789 in the amount of \$130.00 for the terminal disclaimer fee and any additional fees that may be necessary for the filing of this document. Thank you for your assistance in this matter.

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PTO/SB/25 (10-00)

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional)

60,152-1017

In re Application of: **Ward, et al.**Application No.: **10/758,906**Filed: **January 16, 2004**For: **Self-Attaching Fastener and Method of Attachment**

The owner*, Whitesell International Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/439,526, filed on May 16, 2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Raymond E. Scott
Signature

1-4-06
Date

Raymond E. Scott
Type or print name

☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included. You are authorized to charge our Deposit Account in the name of Howard & Howard, Deposit Account No. 08-2789.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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01-04-06

03:09pm From-Howard & Howard

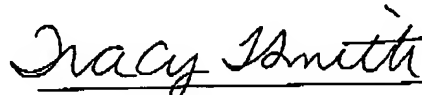
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T-830 P.003/003 F-729

Atty. Docket No. 60,152-1017

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached **Terminal Disclaimer** is being facsimile transmitted to the Commissioner for Patents and Trademarks, Alexandria, Virginia, to the attention of **Examiner Flemming Saether** from **Group: 3677** to facsimile number **(571) 273-7071** on **January 4, 2006**.



Tracy L. Smith

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